

**LOWELL BOARD OF HEALTH
341 Pine Street
Lowell, Massachusetts 01851**

September 6, 2017:

A meeting of the Lowell Board of Health was held on Wednesday, August 2, 2017 in the Mayor's Reception Room, 375 Merrimack St. 2nd floor, Lowell, MA 01852. Chairman Jo-Ann Keegan called the meeting to order at 6:12 P.M.

Board Members Present:

Jo-Ann Keegan, Chair
John Donovan
William Galvin
Craig Kelly

Chairwoman Jo-Ann Keegan called the meeting to order at 6:12 PM.

Order of Business:

1. NEW BUSINESS

1.I For Acceptance: Minutes of the August 2nd, 2017 meeting of the Board of Health.

Motion: To accept the minutes of the August 2nd, 2017 meeting of the Board of Health made by Craig Kelly, seconded by John Donovan. All in favor.

1.II For Review: Tobacco Control Monthly Report submitted by Cesar Pungirum, Program Director.
The Board accepted and placed on file.

1.II.i Tobacco Permit Suspension Hearing – Right Price Gas 459 Broadway St. Lowell, MA 01854

Mr. Pungirum reviewed the compliance check process with the Board. During the last compliance check on May 24, 2017, a clerk at Right Price Gas sold tobacco products to the minor participating in the compliance check. This is the second time that this establishment has sold tobacco products to a minor during the previous 2 year period (the first occurring in October 2015). This establishment has received 4 educational visits over the past 2 years. Another check was conducted on August 1st by Mr. Pungirum who found several violations. The penalty for the second sale to minors in a two year period is a \$200 fine, which has been paid, and a 7 consecutive day suspension.

Chairwoman Keegan asked if a purchase receipt was required to prove there was a sale to a minor. Mr. Pungirum indicated it was not, although if the minor is given one as part of the sale, they are told to turn it in with the package of cigarettes.

Farrid Geha, owner of Right Price Gas, spoke to the Board and informed them that he has bought an ID check machine. When asked about the product Mr. Pungirum found in the store on August 1st, Mr. Geha told the Board that his nephew accidentally ordered the incorrect product. Mr. Geha was told that the Board was very concerned about a minor's access to tobacco products. Board Member Craig Kelly added that the Board is serious about protecting the health of the children of Lowell.

Motion: To suspend the Tobacco sales permit for Right Price Gas, 459 Broadway St., Lowell, MA for a period of seven days beginning September 18, 2017 upon the establishment's opening until close of business on September 24, 2017 made by John Donovan, seconded by William Galvin. All in favor.

1.II.ii Tobacco Permit Suspension Hearing– American & Hispanic Market 279 Chelmsford St., Lowell, MA 01851

Mr. Pungirum reviewed the circumstance of the sale at this establishment. There have been 2 sales violations since May 6, 2017, and the one on May 24th included a sale to a minor (\$200 fine), sale of cigars below the minimum packaging (\$100 fine) and below the minimum cost (\$100 fine). A \$400 ticket was issued and paid. As of February, 2017 the establishment is under new ownership so there is no prior violation history prior to the May 6th violation. Mr. Pungirum has been to the store a couple of times since the new owners have been there. Mr. Pungirum advised the Board that after the second sale, he was advised that the business has

been sold again. Both violations occurred prior to the business's sale in July 2017. Board Member William Galvin inquired if a new owner was required to obtain a new tobacco sales permit. Mr. Pungirum replied that was correct. In the course of the discussion, it was ascertained by Senior Sanitary Code Inspector David Ouellette, that the new owners have not obtained a new food and dumpster permit yet either. Board Member Galvin inquired if the illegal packaging changes the severity of the fine. Mr. Pungirum replied that it was only an additional fine and wouldn't affect the suspension. Further discussion occurred between the Board Members. According to Mr. Ouellette the store would need to be closed while they obtained a new food permit and he would have to go do an inspection for that to be issued. The Board decided to treat the sale to new owners as a legitimate sale. Mr. Pungirum informed the Board that the violation history will reset for the establishment.

Motion: to dismiss the pending suspension due to the change of the establishment's ownership in July 2017 made by John Donovan, seconded by Craig Kelly. All in favor.

1.III For Review: Monthly Development Services Report submitted by Senior Sanitary Code Inspector David Ouellette.

Mr. Ouellette reviewed the report with the Board. Discussion on what could be done for establishments with multiple violations at each inspection. Mr. Ouellette informed the Board that the establishment remains closed until the violations are corrected, and is then put on a more frequent inspection schedule and if issues continue to occur, their food permit can be suspended. Mr. Ouellette informed the Board that he will be participating in the City's needle pick-up program and he has received training and vaccinations as required. Mr. Ouellette informed the Board that Lupo Ink was in violation due to a small dog being present in the establishment. Mr. Murphy will re-inspect the facility upon his return from vacation.

1.IV Communication: Central Massachusetts Mosquito Control Project 8.21.17 communication from Timothy Deschamps, Executive Director – RE: Mosquito Control Update.
The Board accepted and placed on file.

2. OLD BUSINESS

2.I Status Report: Update on work completed at Lowell High School and on-going Capital Plan improvements for the Lowell Public Schools by Tom Bellegarde, Commissioner of DPW/Assistant City Manager.

2.II Communication: Massachusetts DPH Bureau of Environmental Health 8.4.17 Preliminary Reports by the Indoor Air Quality Program regarding the Lowell High School Complex including the Freshman Academy. Commissioner Bellegarde reviewed the ongoing projects and the Air Quality Control report with the Board. Mr. James Green, DPW Deputy Commissioner of Lands & Buildings informed the Board that the second inspection will occur in October after the heating system has been turned on and the main boilers have been started and is currently tentatively scheduled for the week of October 26th. Board Member Galvin inquired if there was an update on the roof repairs. Mr. James Troup stated that the RFP has had 8 responses and the decision has been made to fully replace the roof of the 1922 building and it should be completed by the end of the calendar year. Commissioner Bellegarde added that a lot of headway has been made on the Inspection report the Board received at a previous meeting. Boilers have been replaced and repairs at other schools are ongoing. Member Galvin suggested that updates be made public so people are aware and know how good the school is starting to look.

2.III. Update: Service Zone Plan

Director Kerran Vigroux updated the Board on comments received from the State on the submitted documentation and only minor changes have been recommended.

3. DIRECTOR'S REPORT

3.1 Update: Divisional and Departmental Reports and Updates.

Ms. Vigroux updated the Board about the divisions. Lainnie Emond has been hired as the new Substance Abuse Coordinator, and Carol Moriarty has been hired as the Public Health Nurse in the Public Health division. Interviews are ongoing for the Clinical Nurse Manager position and 111 applications were received for the Community Health Coordinator position.

8. Motion: To Adjourn

Motion to adjourn made at 7:24 PM by Craig Kelly, seconded by William Galvin. All in favor.

THE NEXT MEETINGS OF THE BOARD OF HEALTH:

**OCTOBER 4, 2017 @ 6:00 PM
MAYOR'S RECEPTION ROOM CITY HALL**